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Docket No.: 03368/100D888-US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Charles E. ROGLER et al.

Serial No.: 09/344,189

Art Unit: 1632

Filed: June 24, 1999

Examiner: P. Paras, Jr.

For: **CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL HEPATO-CELLULAR CARCINOMA IN MOUSE REPOPULATED LIVERS**

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**PETITION UNDER 37 C.F.R. § 1.84 REQUESTING  
ACCEPTANCE AND ENTRY OF COLOR PHOTOGRAPHS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 1, 2003

Sir:

The present petition is in response to an Office communication mailed September 23, 2003 in the above-identified application. In the communication, the Examiner held Applicant's reply filed June 26, 2003 to be not fully responsive to the prior Office Action, for failure to submit a petition under 37 C.F.R. § 1.84(a)(2) and the fee set forth in 37 C.F.R. § 1.17(h). The required petition and authorization to charge the required fee are set forth below.

The Applicant respectfully petitions and requests entry and acceptance of color photographs in the above-identified application under 37 C.F.R. § 1.84 and MPEP § 608.02, as is explained below.

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In accordance with § 1.84 and MPEP § 608.02, the Applicant Petitioner respectfully notes and provides the following:

(1) A check in the amount for the petition fee required under 37 C.F.R. § 1.17(h) (\$130) is enclosed;

(2) Applicant notes that the required three (3) sets of color photographs, respectively labeled Fig. 3A-B and 5A-H, have previously been transmitted to the Patent and Trademark Office on June 26, 2003, in a Submission of Formal Drawings;

(3) In an Amendment filed in the Patent and Trademark on June 26, 2003, the specification was amended to indicate the application includes color drawings and that copies of the patent with color drawings are available from the Patent and Trademark Office upon request and payment of the necessary fee;

(4) Applicant proposes that the enclosed color photographs are the only practicable medium for illustrating the claimed invention and the detailed and fine information contained therein are necessary for understanding the invention; and

(5) Applicant suggests that the color photographs submitted on June 26, 2003 are of sufficient quality for entry.

Applicant believes he has complied with § 1.84 and the requisite MPEP sections. Should the Examiner believe that any additional response is required, he is respectfully requested to contact the undersigned agent for a prompt response.

Any additional payments due or credits back may be charged to Darby & Darby Deposit Account No. 04-0100.

Early and favorable action is respectfully solicited.

Respectfully submitted,



Mitchell Bernstein, Ph.D.

Reg. No. 46,550

Agent for Applicant

DARBY & DARBY, P.C.  
Post Office Box 5257  
New York, NY 10150-5257  
Phone (212) 527-7700